

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

R. CATHY REARDON, on behalf of)	
herself and all similarly situated)	
individuals,)	
)	2:08-cv-01730
Plaintiffs,)	
)	Judge Mark R. Hornak
v.)	
)	
CLOSETMAID CORPORATION,)	
)	
Defendant.)	

AMENDED ORDER¹

AND NOW, this 6th day of December, 2013, upon consideration of the parties' Motions for Summary Judgment (ECF Nos. 90, 94), Defendant's Motion to Decertify the Pre-Adverse Action Sub-Class (ECF No. 98), and Plaintiffs' Motion to Strike Declarations (ECF No. 108), and in conformity with the Court's Opinion dated December 2, 2013, it is hereby ORDERED that:

1. Plaintiffs' Motion for Summary Judgment (ECF No. 90) is granted as to liability and willfulness as to the members of the Disclosure Class who received only the Authorization Form as part of their employment application, and is denied in all other respects;
2. Defendants' Motion for Summary Judgment (ECF No. 94) is granted as to the 22 members of the Pre-Adverse Action Sub-Class who did not experience any adverse employment action, and as to the 3 Pre-Adverse Action Sub-Class members to whom Defendant provided with pre-adverse action notices 8 business days prior to Defendant's adverse action against them, and as those members of

¹ The portions of this Order which amend the Court's Order of December 2, 2013 are underlined.

the Disclosure Class who received the Notice Form in addition to an Authorization Form, and is denied in all other respects;

3. Defendant's Motion to Decertify the Pre-Adverse Action Sub-Class (ECF No. 98) is denied without prejudice;
4. Plaintiffs' Motion to Strike Declarations (ECF No. 108) is denied without prejudice.

It is further ORDERED that on or before December 16, 2013, the parties shall make best efforts to agree upon the list of remaining members of the Disclosure Class and Pre-Adverse Action Sub-Class and shall jointly submit the list to the Court, along with a substitute Class Representative as to the Disclosure Class.

A handwritten signature in black ink, appearing to read 'Mark R. Hornak', written over a horizontal line.

Mark R. Hornak
United States District Judge

cc: All counsel of record